

**INLAND AND WETLANDS COMMISSION
REGULAR MEETING
MARCH 5, 2014**

Marcia Puc called this meeting to order at 6:03 PM with the following in attendance:

MEMBERS:

Mary Davis, Chair, Absent
Sally MacKenzie, Secretary, Absent
Marcia Puc
Tracy DeBarber
Mark Bakstis
Lars Johnson, Alternate, Absent

OTHER:

Keith Rosenfeld, Town Planner
Sue Goggin, Secretary
Public - 0

1. Marcia Puc called this meeting to order at 6:03 P.M. She noted there was a quorum. She opened the meeting with the Pledge of Allegiance.
2. Executive session with Borough Attorney.
There was no executive session.
3. Public comment.
There was no public comment.

4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

Keith said Wayne is working with the public works director in order to come up with a plan for installing gabions. There should be something to report on in April or May.

5. **NEW BUSINESS**

A. Commission discussion/decision regarding a Sediment and Erosion Control Bond (including the stormceptor system) and report/recommendation of the Borough Engineer for IW #13-02, 38 Cherry Street, LLC.

Keith said on December 16, 2013 the Borough Engineer received an estimate for the project at 38 Cherry Street for \$25,000 from the applicant's engineer. He said the number was passed by the chairwoman who had agreed to the \$25,000. He said they have attached a bond estimate to the memo which describes the elements of the \$25,000. His recommendation would be to approve the Letter of Credit for the \$25,000 with the condition that it be approved to form by the Borough Attorney. Attorney Michael McVerry, offices at 35 Porter Avenue, reiterated what Keith had said about the bond. He said they are seeking that the bond be set so that they can get it posted. His client has made arrangements with ion Bank as far as posting the

Letter of Credit. He said it is just a matter of the form being submitted to Attorney Fitzpatrick's office for approval. One of the wetlands commission's conditions was that the special permit could not be recorded until the bond is posted. He said the commission approved the \$25,000 amount. Mark Bakstis said he wasn't clear on the background of this project. Attorney McVerry explained the background of the project. Mark said he didn't have enough information to vote on it. Tracy said she was comfortable voting on this tonight. Marcia wanted to look a little closer at the bond items. Tracy clarified that they couldn't start any work until the bond was in place. She asked when he would be starting the work. Mr. Baranowski said he would like to get it done before the end of the calendar year. Marcia said she was not comfortable taking a vote tonight because there are only two of them there of five that will be voting. Keith said they are allowed to because they have a quorum. Marcia said she wasn't comfortable because she wasn't involved in any of the discussions with the bond. Keith said as the commission they trusted the Borough Engineer to get together with the applicant's engineer to come up with a figure that represents, plus contingency, the amount of money it would take to do the improvements that were placed on the plan. He said that number is \$25,000. He said the commission also said before they sign off on that, the applicant would need two approvals, one from the commission and one from the town attorney. He said at this point they are only being asked to approve a number and that number is being assured by staff. He said if they don't have confidence that Wayne provided them with the correct figure, then he could understand. He said Wayne's best interests are the best interests of the borough. He said Mr. Baranowski has been waiting patiently to have this approved because he needs to get the bond squared away with the bank and from what Keith understands it's only going to be around for a little while. He said by making a decision tonight would not put the commission or the borough in any sort of liability situation. Attorney McVerry said he had conversations with the Borough Attorney who relayed to him that as long as the Borough Engineer felt the bond was sufficient and as long as Mr. Baranowski was capable of doing it, there was no reason for the commission not to take action on this tonight. Attorney McVerry commented on past issues with a lack of quorum due to vacations and that the applicant's or the general public are the ones who suffer. Marcia asked Keith if the terms are standard. He said yes. Attorney McVerry said it is a letter of credit that by its terms would be in existence for at least 5 years until released or reduced by this commission. Tracy said she would have no problem approving this because Wayne is the expert and it was discussed with Mary.

VOTED: 2-0-1 on a motion by Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the bond estimate of \$25,000 per Wayne Zirolli's letter dated December 16, 2013 for 38 Cherry Street, LLC IW #13-02.

FOR

Marcia Puc
Tracy DeBarber

AGAINST

ABSTAIN

Mark Bakstis

B. Additional items require a 2/3 vote of the Commission.

There were no additional items.

6. **CORRESPONDENCE**

Keith said the commission has a CACIWC newsletter.

7. **WEO REPORT**

A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Keith said he met last month with the Mayor, the owners of Autohaus, the building official and the fire marshal. He said they put a second floor on their storage building without approval from the building official or fire marshal. They are working with the building official and the fire marshal to get it approved and once it is they should be able to get the rest of the parts into the second floor and get rid of the trailer. It was noted that their permit does not expire until 2017.

B. Dmuchowski Property, 45 High Street

Keith said he's been working with Ed Carter on this and he said the foreclosure will probably go through pretty soon. Keith said the snow and ice has been helping them out with erosion. He said they had been helped out previously by a neighbor who doesn't like to have his property flooded, so he's been cleaning it out.

C. Naugatuck HS Renovation (IW#12-04)

Keith said the outside work has pretty much been shut down for the winter, but as the weather gets warmer, the work on the rain gardens will be finished. Also, the bi-annual water testing will begin on May 1st. Keith explained to Mark that the reason for the testing was due to concerns of contamination from the turf field.

D. 1177 New Haven Road (IW#12-01)

There was no discussion on this item.

E. Pondview Estates (IW#05-09)

Keith said they have a memo saying that most of the work has been done. They need to replace street trees on Donovan Road but the Planning Commission will be determining that.

F. Chemtura Pond/Dam, Melbourne Street

Keith said it is pretty much completed. Mary wanted it to stay on the agenda.

G. DaSilva Property, 0 Edward Street, Naugatuck, CT

Keith said they are waiting for the spring for them to be able to do the work. He gave the DaSilva's the list of approved trees and shrubs a while ago.

8. **Review/Approval** of January 8, 2014 Public Hearing Minutes, January 8, 2014 Regular Meeting Minutes and January 14, 2014 Special Meeting Minutes.

The minutes were tabled until the April meeting.

9. **ADMINISTRATIVE BUSINESS**

There was no administrative business.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Mark Bakstis to **ADJOURN** the meeting at 6:37 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /sg